

REMARKS

Claims 1-21 remain pending in this application. In the Office Action of December 5, 2005, all claims were rejected. Applicants have amended claims 1-4 and respond and traverse the rejections as follows.

Response to Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-8, 10 and 18-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by items U and V cited in Paper #8, PTO-892 (which the Examiner refers to as "Home-Link"). Applicants respectfully request reconsideration and withdrawal of this rejection.

The Home-Link articles (items U and V) address a "web-based business model designed as a one-stop shopping destination for professionals in the business of buying and selling homes." According the articles, the model "integrates in one place residential real estate brokers and agents, a personal move coordinator, Internet technology, customized software applications and homeowner products and services." The model is designed to "keep the broker and agent at the center of the customer relationship." The "professional move coordinator" serves as the direct contact to the customer that is selling or buying residential real estate by contacting the customer by telephone, email or mail to alert the customer to products and services that may be appropriate and that are offered by the broker's product and service partners. The model creates a revenue stream for the broker through partnering and transaction fees on the goods and services sold through the system. The system "tracks and maintains a record of all of a client's transactions through Home-Link and allows online storage of the mortgage and settlement documents." Clients who become members of Home-Link can access their records, update their information and initiate transactions with the product and service providers via the website. The Home-Link articles do not appear to discuss how payment is made for the products and services provided by the broker's product and service partners.

Applicants respectfully submit that the Home-Link articles do not disclose all of the features of amended claim 1. At the very least, items U and V, even taken together, do not disclose "processing an original transaction by accepting customer input requested by a host; . . . and processing a secondary transaction for the auxiliary service between the customer and a

service provider . . . wherein the customer input for the originating transaction is used by the host to expedite the processing of the secondary transaction . . . and payment for the secondary transaction is facilitated by the host,” as recited in claim 1.

In the pending Office Action, the Examiner asserts that the Home-Link articles disclose a secondary transaction insofar as they disclose buying or selling real estate (which the Examiner reads as the “originating transaction”) and arranging for a broad set of auxiliary services related to buying or selling a home and inherently permitting payment for those services (which the Examiner reads as the “secondary transaction”). Although payment for the services may be considered inherent to the secondary transaction, the Home-Link articles do not even discuss how payment is made for the products and services provided in the secondary transaction. Those articles certainly do not teach or suggest that payment for the secondary transaction is facilitated by the host, as recited in claim 1. Applicants respectfully submit, therefore, that the Home-Link articles of items U and V do not anticipate amended claim 1.

Claims 2-4, 18, and 19 also have been amended to include the above described feature of “processing an original transaction by accepting customer input requested by a host; . . . and processing a secondary transaction for the auxiliary service between the customer and a service provider . . . wherein the customer input for the originating transaction is used by the host to expedite the processing of the secondary transaction and payment for the secondary transaction is facilitated by the host” In addition, each of claims 5-8 and 10 depend from and include all of the features of claim 4. Applicants respectfully submit, therefore, that at least for the reasons discussed above, the Home-Link articles of items U and V do not anticipate claims 2-8, 10 and 18-19.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claim 9

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Home-Link articles (items U and V) in view of a PR Newswire article (which the Examiner references as item W). Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 9 depends from and includes all of the limitations of amended claim 4. Claim 4, as amended, is directed to a method of providing auxiliary services relating to moving and

relocating in a computer network marketplace upon completion of an originating transaction relating to the rental of moving equipment between a customer and a host. The method includes processing an originating transaction by accepting customer input requested by a host wherein the host operates the marketplace; enabling a customer in the computer network marketplace to access content describing an auxiliary service relating to the originating transaction, wherein the auxiliary service relates to moving and relocating and the originating transaction relates to the renting of moving equipment; and processing a secondary transaction for the auxiliary service between the customer and a service provider and accepting a payment from the customer for the service wherein the service provider is listed in the marketplace at the discretion of the host, the customer input for the originating transaction is used by the host to expedite processing of the secondary transaction, the customer controls the secondary transaction more than the service provider, and payment for the secondary transaction is facilitated by the host. Claim 9 includes all of the features of claim 4 and further recites that the content describing an auxiliary service includes hotel reservation information.

As an initial matter, Applicants note that item W included with the Office Action is not a PR Newswire article. Rather, item W is a Sacramento Business Journal article by Mike McCarthy, which also appears to discuss the Home-Link system.

A finding of obviousness requires that all claim limitations of the Applicant's invention must be taught or suggested by the prior art. MPEP § 2143.03. Applicants respectfully submit, however, that the items U, V and W, taken alone or in combination, do not teach or suggest all of the limitations of claim 9 for several reasons. First, claim 9 depends from claim 4. For at least the reasons discussed above with respect to the Examiner's rejection of claim 4 under 35 U.S.C. § 102(b), therefore, the combination of items U, V and W also does not teach or suggest all of the elements recited in Applicants' claim 9. Second, the Home-Link articles (items U and V) do not teach providing hotel information, as the Examiner concedes. Likewise, the McCarthy article (item W), which also addresses the Home-Link system, does not teach providing hotel information. Therefore, the combination of references U, V and W does not teach or suggest all of the elements of Applicants' claim 9 and does not support a finding of obviousness.

Claims 11, 14-17 and 20-21

Claims 11, 14-17 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Home-Link articles (items U and V) in view of the McCarthy article (item W) and further in view of Official Notice taken by the Examiner regarding the ordinary skill in the art at the time of the invention. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 11 is directed to a marketplace, implemented on a computer network, for the sale of services relating to moving, the sale of services taking place between a self-help moving customer and a vendor. The marketplace includes a customer application for processing customer input entered by a customer once in the marketplace. The customer input includes a pre-payment for a service transaction wherein the pre-payment is held in a first account. The marketplace also includes a vendor application for processing vendor input entered by a vendor offering a moving related service. The vendor input includes a confirmation code to activate transfer of funds from the first account to a second account, the confirmation code comprising payment data, job data, and vendor data. The marketplace also includes an administrative application for allowing a marketplace host to maintain the marketplace and gather transactional data from the customer application and the vendor application. Claim 14 includes all of the features of claim 11 and further recites that the services related to moving include packing/unpacking, loading/unloading, housecleaning, carpet cleaning, painting, yard cleaning, furniture disassembly/assembly, garbage removal, and hotel reservation services. Claim 15 includes all of the features of claim 11 and further recites that the customer application accepts input relating to the customer from an external source to expedite processing customer input and processing vendor input.

The McCarthy article (items W) describes Lyon & Associates Realtors' use of the Home-Link system to provide value-added services to its clients after close of escrow on the sale of a house. The McCarthy article does not describe the vendor input to the system. As the Examiner recognizes, the McCarthy article also does not teach or suggest the use of an escrow for vendors providing auxiliary services.

Applicants respectfully submit that the Examiner's proposed combination does not teach or suggest all of the features of Applicants' claims 11, 14 and 15. At the very least, none of the

references, taken alone or in combination, teaches or suggests a “vendor application for processing vendor input entered by a vendor offering a moving related service, the vendor input including a confirmation code to activate transfer of funds from the first account to a second account, the confirmation code comprising payment data, job data, and vendor data,” as recited in claims 11, 14 and 15. Thus, Applicant submits that these claims are patentable over references U, V and W, taken alone or in combination.

Claim 16 is directed to a method for facilitating moving. The method includes: going to a web site operated by a host on a computer network; obtaining a first service or a first good related to moving; and obtaining a second service or a second good related to moving, wherein a payment is made by a customer for the second service or the second good and is held in an escrow account arranged by the host until payment data, job data, and vendor data are provided. Claim 17 is directed to a method for facilitating moving. The method includes: going to a web site operated by a host on a computer network; obtaining a first service or a first good related to moving; selecting from a service list and a vendor list for a second service or a second good related to moving; and obtaining the second service or the second good, wherein a payment is made by the customer for the second service or the second good and is held in an escrow account arranged by the host until payment data, job data, and vendor data are provided.

Applicants respectfully submit that claims 16 and 17 are patentable over references U, V and W because that combination does not teach or suggest all of the features of Applicants’ claims. At the very least, the Examiner’s proposed combination does not teach or suggest “obtaining the second service or the second good, wherein a payment is made by the customer for the second service or the second good and is held in an escrow account arranged by the host until payment data, job data, and vendor data are provided,” as recited in claims 16 and 17. Thus, Applicant submits that claims 16 and 17 are patentable over items U, V and W, taken alone or in combination.

The Examiner asserts that it is within the skill of one having ordinary skill in the art to ascertain the need for an escrow for vendor-supplied auxiliary services. Simply because the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie*

case of obviousness without some objective reason to combine the teachings of the references. MPEP § 2143.01. Here Applicants respectfully suggest that the cited references do not provide that reason.

Each of claims 20 and 21 is directed to a computer system for providing auxiliary services in an online marketplace relating to an originating transaction between a customer and a host. In rejecting claims 20 and 21, the Examiner relies on his rationale for rejecting claims 11, and 14-17. For at least the reasons set forth above with respect to claims 11, and 14-17, therefore, Applicants respectfully submit that claims 20 and 21 are patentable over references U, V and W, taken alone or in combination.

Claims 12 and 13

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Home-Link articles (items U and V) in view of the McCarthy article (item W) and further in view of a PR Newswire article (which the Examiner also references as item W). Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 12 and 13 depend from and include all of the features of claim 11. For at least the reasons discussed above with respect to claim 11, therefore, Applicants also respectfully submit that the proposed combination does not teach or suggest all of the features of claims 12 and 13 and that those claims are therefore patentable over the proposed combination.

In addition, Applicants note that a copy of the PR Newswire article referenced by the Examiner is not included with the Office Action. Instead, item W appears only to include the Sacramento Business Journal Article by McCarthy.

Conclusion

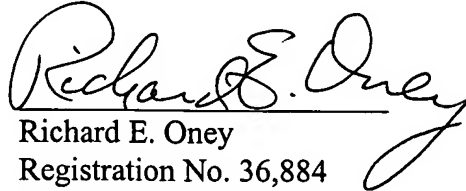
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal

AMENDMENT AND RESPONSE TO OFFICE ACTION
US Patent Application No. 10/083,726

communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: June 5, 2006

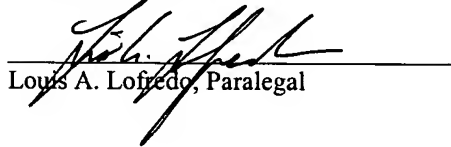
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Louis A. Lofredo, Paralegal

6-5-06
Date of Signature